

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGEL RUIZ,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

23-CV-7421 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated October 10, 2023, the Court dismissed the complaint, but granted Plaintiff 30 days to replead his claims in an amended complaint. (ECF 4.) On December 12, 2023, Plaintiff filed an interlocutory appeal and a motion for an extension of time to file the appeal. (ECF 5-6.) For the reasons discussed below, the Court grants Plaintiff's motion for an extension of time to file a notice of appeal.

A notice of appeal in a civil case against the United States must be filed within 60 days after entry of the order appealed from. *See Fed. R. App. P. 4(a)(1)(B)(i)*. The district court may extend the time to file a notice of appeal, however, if a plaintiff files a motion within 30 days of the expiration of the time to file notice of appeal, and if the moving party shows excusable neglect or good cause for untimely filing. *See Fed. R. App. P. 4(a)(5)(A)*. Because Plaintiff filed his motion within 30 days after the time to file his notice of appeal expired, and because he shows good cause for the untimely filing, the Court grants his motion for an extension of time to file a notice of appeal. (ECF 5.)

CONCLUSION

Plaintiff's request for an extension of time to file a notice of appeal (ECF 5) is granted. All other pending matters in this case are terminated.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 8, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge